IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Crl.MC.No. 965 of 2004()

CC.6/2003 of THE JUDL. MAGISTRATE OF FIRST CLASS COURT, NILAMBUR

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PETITIONER: ACCUSED:

1. ARIMBRA KRISHNAN, S/O. CHANJU,
   ARIMBRA HOUSE, MUTTIKADAVU,
   CHUNGATHARA, MALAPPURAM DISTRICT.

2. C.D. BABY, S/O. DEVASSY,
   CHEMBAKASSERY HOUSE, MAMPOYIL, CHUNGATHARA,
   MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS: STATE:

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, EDAKKARA
POLICE STATION - THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR ;SRI K.C.SANTHOSH KUMAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

CRL.M.C.No.965 OF 2004

Dated this the 10th day of August, 2007

O R D E R

This petition is filed for a direction from this Court that two different cases be tried by the same Magistrate's Court -- C.C. No. 3/2003 is pending before Judicial First Class Magistrate's Court, Nilambur and C.C. No. 25/2003 is pending before the Judicial First Class Magistrate's Court II, (Forest Offences), Manjeri.

2. Petitioners are accused in C.C.No.25/2003. The said case was registered against the petitioners (and one Vasavan, as the 3rd accused, who died pending trial). The allegation in the case is that petitioners committed an offence under Section 3 read with Section 25(1)(a) of the Arms Act. The said case was charge-sheeted by Edakkara Police and was pending before the Judicial First Class Magistrate's Court, Nilambur. In respect of the same incident, another case was instituted by the Forest Officials alleging offences under the provisions of the Wild Life Protection Act, 1972. The allegations are to the effect that on 31/7/1998, using an unlicenced gun, the petitioners shot down a deer. Thus the Forest Officials

initiated proceedings under the Wild Life Protection Act, whereas the Edakkara Police registered a crime, since an unlicenced gun was found in the possession of the accused in respect of the same incident. Petitioners seek that both these cases be tried by the same court. On hearing both sides, I find that both these cases, which are pending before the two different courts, arise from the same incident and though these cases are being prosecuted by two different authorities, in the interest of justice, it is only just and proper that both these cases be tried and disposed of by the same court, for avoiding conflict of decisions.

3. Hence, it is hereby directed that C.C.No.6/2003 pending before the Judicial First Class Magistrate's Court, Nilambur be transferred to the Judicial First Class Magistrate Court-II (Forest Offences), Manjeri. Both these case shall be tried and disposed of simultaneously by the same court.

Petition is allowed.

K.HEMA,
Judge.

kcv.